

Wyoming Department of Agriculture

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The Wyoming Department Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life



Wyoming Department of Agriculture

April 7, 2009

Public Comments Processing
Attn: FWS-RS-ES-2008
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

Dear U.S. Fish and Wildlife Service:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the 90-Day Finding on the Petition to List the Wyoming Pocket Gopher (*Thomomys clusius*) as Threatened or Endangered with Critical Habitat and initiation of Status Review and 12-Month Finding.

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and provide us the opportunity to express pertinent issues and concerns.

We are very disappointed and discouraged by the U.S. Fish and Wildlife Service (Service) accepting the petitioners' claim that the Wyoming pocket gopher is possibly threatened or endangered in the 90-day finding. In the section Species Information, the Service indicates "Very little is known about the Wyoming pocket gopher, and assumptions about its distribution, ecology, and status are based on a few museum records and anecdotal reports from about 30 years ago. Distribution of the species is believed to be restricted to Sweetwater and Carbon Counties in Wyoming, with a possible occurrence in very northern Colorado (Keinath and Beauvais 2006, p. 11). Recent efforts to document gophers at several historical locations were inconclusive, leading to speculation about population declines and the rarity of the species (Keinath and Beauvais 2006, p. 12)." The research above and throughout Species Information uses the words "believed," "possible," "likely" and "may." These vague words used by researchers prove there is not enough information, creating ambiguity and open ended questions.

While the WDA strongly supports research from Keinath and Beauvais of Wyoming Natural Diversity Database (WYNDD), their studies are ongoing and inconclusive. The Service should recognize the recent efforts of researchers before making any decisions regarding Wyoming pocket gophers. One study cited in the Species Information by Aldous, is from 1951 stating "the species' diet is likely primarily roots, stems, and leaves of forbs, with some consumption of grasses and shrubs." Not only is this study considerably dated, but we ask the Service the following: 1) Did the researchers in Aldous' 1951 study know there was a genetic difference of the species at that time? 2) Is it a surprise they have listed all possible vegetative species in their list and prove nothing of scientific significance? We will not support the Service listing species under these circumstances.

One of the main reasons the Service is willing to consider this petition and move to the 12 month finding is the possible impact of oil and gas development on Wyoming pocket gopher populations.

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The petitioners indicated the species is "particularly vulnerable to habitat loss because of its limited range and distribution." We cannot support the Service accepting these statements when there are no recent study results indicating populations are in fact in peril due to oil and gas development. Furthermore, the petitioners claim noxious weeds and use of herbicide will increase demise of the population. Again, without any population studies in or near current well pads we will not support the petitioners' unsubstantiated claims.

Current studies are simply trying to find the population distribution and preferred habitat. To date only 27 specimens in 15 unique locations were found. Sweetwater and Carbon counties are very expansive. We believe the Service should wait for future studies to have scientifically proven the exact habitat requirements including soil types, vegetation preferences, etc. as well as overall area where the species is proven to exist, not simply assuming the "limited" scale of species habitat. We strongly urge researchers conduct studies within the immediate vicinity, such as no further than ½ mile from well pads to determine if pocket gophers exist, eat vegetation in or near well pads and their population is impacted by loss of vegetation, vibrating well pads and soil disturbances. We believe it's simply unacceptable to move forward with listing without these studies funded, in place and results analyzed.

Throughout the Federal Register, the Service found the petitioners' claim as unsubstantiated, yet has chosen to move forward to the next level of review. We will continue to support WYNDD along with other Wyoming researchers to scientifically prove the petition to list is in fact invalid.

The WDA thanks the Service for receiving our comments. We look forward to working cooperatively with landowners, agencies and researchers to gather and provide additional data related to the Wyoming pocket gopher.

Sincerely,



John Etchepare
Director

JE/jw

Cc: Governor's Planning Office
WDA Board of Agriculture
Wyoming Stock Growers Association
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